

# CITY COUNCIL PROCEEDINGS

NOVEMBER 23, 1999

## MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 23, 1999  
Tuesday, 9:03 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. Terri Messner, Ecumenical Christian Ministries.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes--  
-- approved

The minutes of the regular meeting of November 16, 1999, and the special meeting of November 17, 1999, were approved 7 to 0.

## AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

## UNFINISHED BUSINESS

AIRPORT ADVISORY

ESTABLISHMENT OF WICHITA AIRPORT ADVISORY BOARD.  
(Continued from November 16, 1999)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-1182.

By action of the City Council on August 17, 1999, the governance of the Airport Authority was changed to become a department of the City and under the direct control and authority of the City Council. Under the Charter ordinance adopted, the City Council is authorized to establish an airport advisory board.

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- Council Member Cole Council Member Cole expressed concern regarding the slim one person majority when the intent is that this be a City Board.
- Mayor Knight Mayor Knight said the final decisions will be by the City Manager. Clearly, the Airport is a City of Wichita operation. The benefits of County and REAP participation make sense.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard and no one appeared.
- Pisciotte appointed Gary Adamson; Rogers appointed Bob Alford; Cole appointed Jim Gregory; Martz appointed Charles Bouilly; and Knight appointed Larry Fleming. to the Advisory Board. All appointments were approved 7 to 0.
- Motion -- Knight moved that the establishment of the Wichita Airport Advisory Board, with 7 City Council representatives; 5 Sedgwick County representatives and 1 REAP representative, be approved; the Resolution be adopted; and the Ordinance be placed on first reading. Motion carried 7 to 0.
- carried

## RESOLUTION NO. R-99-452

A Resolution establishing the Wichita Airport Advisory Board and providing for its bylaws, roles, and responsibilities, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ORDINANCE

An Ordinance of the City of Wichita pertaining to the membership of the Wichita Airport Advisory Board; amending Section 2.12.1054, as created by Section 5 of Ordinance No. 44-314 of the City of Wichita, and repealing the original of said section, introduced and under the rules laid over.

- Motion -- Knight moved that Gary Adamson (Pisciotte), Bob Alford (Rogers), Jim Gregory (Cole), Charles Bouilly (Martz), and Larry Fleming (Knight) be appointed to the Wichita Airport Advisory Board and moved that the appointments be approved. Motion carried 7 to 0.
- carried

## NEW BUSINESS

### **WATER SUPPLY PLAN WATER SUPPLY PLAN – EXPANSION OF LOCAL WELL-FIELD.**

Frank Shorney Frank Shorney, Burns and McDonnell reviewed the Item.

Agenda Report No. 99-1185.

On August 31, 1993, the City Council approved the Integrated Local Water Supply Plan. Identified in the Plan were several potential water resources that could be utilized to meet the City's water supply needs to the year 2050. The original Plan did not include any expansion of the local well field; however, engineering work done as part of the Plan in 1994 indicated that flows in the Little Arkansas River might be captured by wells located south of the

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Beds could be used to capture some of the additional flow from the river and, thereby using it as a component of the City's water supply. If water can be obtained from these new wells, it would reduce the need for an intake on the Little Arkansas River.

Before additional wells are installed, several key issues need to be addressed. These include determining if the aquifer adjacent to the Little Arkansas River is influenced by flows in the river; determining what type of production can be expected from wells drilled next to the river; and evaluating potential water quality problems associated with water from those wells. Because high chlorides (salt water) are already a factor in the operation of the existing local wells, studying the movement of high chloride water was an essential component of the study. Two demonstration wells were constructed and operated as part of the study. One well was located adjacent to the Little Arkansas River in Oak Park (just north of the 11th St. Bridge), and the other was located adjacent to the Floodway (near 37th Street North and Womer).

As a result of field investigations and with the use of computerized groundwater models, a concept plan to expand the local well field was developed. The concept design predicts that "above base flow" water from the Little Arkansas River can be diverted at a rate of 27 MGD 50% of the time and that 37 MGD can be diverted 40% of the time. The main components of the concept design include:

- (1) Four horizontal collector wells with pump houses, three of which would be located adjacent to the Floodway.
- (2) Five vertical wells with pumps and motors located along the Little Arkansas River south of 17th St. N.
- (3) Collection pipelines to transport the water to the Water Treatment Plant.

The total estimated cost for improvements is estimated to be approximately \$16 million. The study recommends that a prototype project be constructed to verify the operational data for the final design of full-scale facilities. The estimated cost of the prototype is \$5.4 million. Construction cannot begin until after the Environmental Impact Study for the entire Local Integrated Water Supply Plan is complete, which is expected by mid-year 2000. However, the schedule for the construction of the prototype project must be integrated with the construction of the other components of the entire Plan, which cannot be determined until the concept design of the Equus Beds Recharge project has been completed. The earliest date that construction on the prototype project could be completed is mid-year 2001.

The estimated cost of the completed Local Wellfield Expansion is \$16 million and the cost to construct the prototype project is \$5.4 million. CIP W-549, Water Supply Plan Phase III, has a budget of \$70.6 million from 1999 until 2005 for construction of future water supply. If approved, the cost for implementing the prototype and construction of the expansion will be programmed in the City's Capital Improvement Program.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion – carried

Knight moved that the Development Study be received and filed. Motion carried 7 to 0.

## **WATER MASTER PLAN WATER MASTER PLAN (REVISED).**

Mr. Carter

Mr. Carter, Black and Veatch, reviewed the Item.

Agenda Report No. 99-1186.

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- 4) Development of a computer model of the distribution system to aide in evaluating system weaknesses and determining where additional facilities are needed; and
- 5) Recommended improvements.

The Plan predicts that the total population served by the water system will increase from 368,400 in 1997, to 450,400 in 2010, and to 517,090 by 2030. This includes retail and wholesale customers. Various methods for projecting future water usage were considered and the recommendation was to use a method that assumes a risk factor of 10%. This means that facilities would be designed to meet demands that occur 90% of the time. Other alternatives were considered, but developing facilities that have a lower return rate (less frequently than once every 10 years) causes a significant increase in system costs without providing a corresponding increase in distribution system reliability. If peak period demands exceed projected needs, demands may cause low-pressure problems in some localized areas, but not in the entire system. These situations are more appropriately dealt with by using demand management (watering restrictions) than by extensive and expensive distribution system improvements. Using the methods, average day demands are predicted to increase from 55.5 million gallons per day (MGD) to 68 MGD in 2010, and to 78 MGD by 2030. Peak day demands are predicted to increase from 114 MGD to 144 MGD in 2010, and to 167 MGD in 2030. However, if there is an increase in wholesale service above the Plan's projections, the numbers would increase.

The Master Plan includes a program of water works expansion and improvements designed to keep pace with projected growth and to provide a reliable base for future residential and commercial development through the year 2030. In addition to recommending the location and size of new water mains to accommodate future growth on the periphery of the City, additional water system improvements (prior to 2010) are recommended, as follows:

- 1) Construction of a new 1 million gallon water tower in far northeast Wichita;
- 2) Upgrading one of the pumps at the 37th St. Pump Station;
- 3) Construction of a new booster pump station at 21st and Webb Rd.;
- 4) Creation of a new pressure district in far east Wichita;
- 5) Construction of a new 2 million gallon water tower in far west Wichita; and
- 6) Construction of a new booster pump station in far southeast Wichita.

The total estimated cost for all of the recommended improvements, including new distribution mains, is estimated to be \$70.5 million through the year 2010. These improvements, if approved, will be used to develop the Water Department's Capital Plan for the next 10 years.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the plan be approved and the improvements be authorized. Motion carried 7 to 0.

## ADDENDUM ITEM 3A RAILROAD AGMTS.

### AGREEMENTS FOR REMOVAL OF RAILROAD TRACK ALONG KELLOGG, WEST OF WEST. (Districts IV and V)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 99-1212.

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Approximately eleven (11) public railroad crossings and two private crossings could be removed in the city. An additional eleven (11) crossings are outside the City limits in Sedgwick County and could be removed.

The City's portion of the cost of this project is \$1.75 million. The County portion is \$1,050,000. Funding for the City's portion is to be \$1 million Sales Tax allocated for Kellogg - Tyler and Maize Interchange and \$.75 million for Cowskin Drainage improvement costs to be avoided by removal of the railroad tracks.

Tom Winters

County Commissioner said the cooperation between the Railroad and State has been very helpful. This is a win situation between the State of Kansas, the City of Wichita, and the Railroad. The County Commission is ready to act on the agreement tomorrow, November 24, 1999.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Motion --  
-- carried

Martz moved that the Agreements be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO.R-99-458

A Resolution authorizing the issuance of bonds by the City of Wichita at large for the removal of Central Kansas Railway tracks, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## ELECTRIC RATES

### ELECTRIC RATES - STRATEGY UPDATE.

Mayor Knight

Mayor Knight reviewed the Item.

Agenda Report 99-1211.

On August 10, 1999, the Council adopted Resolution R-99-296 which directed the City Manager to utilize a study group "to conduct a comprehensive examination and review as to the feasibility of creating a Wichita electric utility and to report his findings to the City Council." This agenda report contains the highlights of the Task Force deliberations and proposed actions.

A 30-member Task Force was appointed by the City Manager. This group was supported by City Staff, Wichita State University faculty, and outside legal and engineering consultants. The Task Force held a series of 12 meetings in which it received background information, discussed concerns and alternatives, and ultimately formulated the recommendations presented in its final report.

The final report of the Municipal Electric Utility Task Force sets out specific findings the Task Force made; and it presents specific recommendations to the City Manager and City Council based upon those findings. The recommendations are intended to support the City Council's overall goal of reducing electric rates (for all consumers) in the Wichita area. This report was approved by the Task Force by unanimous vote.

The cost of creating a municipal electric utility is estimated at \$50,000. The cost of the recommended feasibility studies, as proposed, is estimated at \$300,000. A total of \$350,000 can be appropriated from General Fund

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Karl Peterjohn

Karl Peterjohn expressed concern regarding a government owned and operated utility. The City could have lowered the franchise rate and KGE could have lowered rates.

Mr. Peterjohn suggested the Wolf Creek depreciation schedule be reduced, then the rates could be reduced.

Motion --

Pisciotte moved that the final report of the Municipal Electric Utility Task Force be received and filed; the City Manager be directed to implement the recommendations and return to the City Council with necessary actions; and funding from the General Fund Appropriated Reserves sufficient to implement the cost for necessary facility studies be appropriated. Motion carried 7 to 0.

-- carried

**IRB - EATON PLACE**

**INDUSTRIAL REVENUE BONDS - EATON PLACE PROJECT.** (District I)

This Item was pulled from the agenda.

## **CITY COUNCIL AGENDA**

ADDENDUM ITEM 6a

(This Item was held until the end of the Council meeting; action is shown in Agenda order.)  
(Council Members Cole, Gale; absent)

**JUDGE APPOINTMENT** **APPOINTMENT OF MUNICIPAL COURT JUDGE.**

Agenda Report No. 99-1213.

A vacancy occurred in the office of Municipal Court Judge because of the resignation of Judge Gregory Barker. Pursuant to Charter Ordinance No. 171, the City Council appointed a Municipal Court Judge Nominating Commission to review the interested candidates and nominate three persons to the City Council to fill the unexpired term of office.

The Municipal Court Judge Nominating Committee has nominated three persons for consideration by the City Council: Bruce Brown, Jennifer Lind-Spahn, and Gregory Keith. Pursuant to Charter Ordinance No. 171, the City Council may appoint one of the three nominees as Municipal Court Judge to fill the unexpired term of office.

Motion -- carried

Knight appointed Jennifer Lind-Spahn and moved that the appointment be approved. Motion carried 5 to 0. (Cole, Gale; absent)

**APPOINTMENTS**

**BOARD/COMMISSION APPOINTMENTS.**

Motion --

-- carried

Knight appointed Bradley Tidemann to the Board of Zoning Appeals and moved that the appointment be approved. Motion carried 7 to 0.

**PROCLAMATIONS**

**PROCLAMATIONS.**

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## BOARD OF BIDS

### REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 22, 1999.

Bids were opened November 19, 1999, pursuant to advertisements published on:

1999 Park Bikeway System Repairs (at various locations) (472-82968/785857 /399117) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 8/25/1998 (District V, VI)

Ferguson Paving - \$45,010.00 (Engineer's estimate)

1999 Enhanced Maintenance Concrete Repairs Phase R (at various locations) (/706648-R/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 10/13/1998 (Districts I, II, and III)

McFadden – \$318,020.00 (Engineer's estimate)

1999-2000 CDBG Public Facilities & Improvements Phase B Asphalt (at various locations) (/602302-B/800901) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date 3/16/1999 (Districts I and III)

Ritchie Paving - \$152,125.00 (Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Westside Athletic Field Grandstand Repairs. (785964)

Greer's Sandblasting and Protective Coatings - \$11,560.00 (Total base bid)  
\$2,100.00 (Total/option #1)  
\$2,800.00 (Total/option #2)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Air Conditioning Installation at Aley Park Shelter. (785725)

Professional Air Conditioning Service - \$6,495.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Vibratory Compactor Roller. (132225)

Paving Maintenance Supply, Inc. \$48,738.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Four-Wheel Drive Articulated Wheel Loader with General Purpose Bucket. (184317)

The Victor L. Phillips Co. - \$106,747.00 (Total base bid)

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\$10,488.00 (Option 13 lump sum >

\$ 8,398.00 (Add additional option-36" paving removal bucket and fixed thumb grapple)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Self-contained Breathing Apparatus (SCBA) and Spare Cylinders. (184119)

Roberson Fire & Safety Inc. - \$12,372.00 (Total net bid)

VARIOUS DEPARTMENTS/N/A DIVISIONS: Automobiles, Sport Utility Mini-Vans, Cargo Vans, Suburbans, and Pick-Up Trucks. (130807)

Davis-Moore Chevrolet, Inc. - \$12,236.99 (Group I-total per veh)  
Standard (Group I-Total Option #1/per veh)  
Standard (Group I-Total Option #2/per veh)

Don Hattan Chevrolet, Inc. - \$11,023.00 (Group IX-total per veh)  
\$1,075.00 (Group IX-total option #1/per veh)  
\$ 100.00 (Group IX-total option #2/per veh)  
Standard (Group IX-total option #3/per veh)  
\$ 669.00 (Group IX-total option #4/per veh)  
N/A (Group IX-total option #5/per veh)  
\$ 210.00 (Group IX-total option #6/per veh)  
\$2,799.00 (Group IX-total option #7/per veh)

Don Hattan Chevrolet, Inc. - \$13,098.00 (Group X-total/per veh)  
\$1,075.00 (Group X-total option #1/per veh)  
\$ 100.00 (Group X-total option #2/per veh)  
Standard (Group X-total option #3/per veh)  
\$ 669.00 (Group X-total option #4/per veh)  
N/A (Group X-total option #5/per veh)  
\$ 210.00 (Group X-total option #6/per veh)  
Standard (Group X-total option #7/per veh)  
\$2,276 (Group X-total option #8/per veh)  
\$ 121.00 (Group X-total option #9/per veh)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSE

### APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES.

#### Renewal

**1999**

#### (Consumption on Premises)

Latif F. Abdelmaseh

Abram Café\*

6249 East 21st Street, Suite #108

\*General/Restaurant -- 50% or more of gross receipts derived from sale of food.



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Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 3, 1999. Motion carried 7 to 0.

c. 119th Street West Bridge over Calfskin Creek on 119th Street West between Maple and Kellogg. (472-82746/715676/249084) Closed to traffic during construction. (District V)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 10, 1999. Motion carried 7 to 0.

## **SUBDIVISION PLANS AND SPECIFICATIONS.**

a. Meadow Pass from the south line of Lot 9, Block 1, to the east line of Lot 10, Block 5; Pepper Ridge from the north line of Meadow Pass to the north line of Lot 1, Block 5; Meadow Pass Court, serving Lots 9 through 15, Block 1; Meadow Pass Court, serving Lots 23 through 29, Block 4; and sidewalk along the east and south line of Meadow Pass from the south line of Lot 9, Block 1, to the east line of Lot 10, Block 5 to serve Northridge Lakes Addition - south of 29th Street North, east of Tyler. (472-82890/765605 /490716) Does not affect existing traffic. City Council approval date: 12/9/1997. (District V)

b. Lateral 21, Main 9, Sanitary Sewer No. 23 to serve Frank and Johnny's Addition - north of 37th Street North, west of Rock Road. 468-81835/743816/480504) Does not affect existing traffic. City Council approval date: 3/1/1988. (District II)

c. Water distribution system to serve Belriv Addition - north of Kellogg, west of 159th Street East. --448-89395/734941/470611) Does not affect existing traffic. City Council approval date: 6/8/1999. (District II)

Motion --  
-- carried

Knight moved that the Plans and Specifications be approved and advertised for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., December 3, 1999. Motion carried 7 to 0.

## **PRELIMINARY EST.**

## **PRELIMINARY ESTIMATES:**

a. 1999 contract maintenance pedestrian bridge replacement at 30th Street South & Glenn and Magill & Lawrence - 30th Street South & Glenn, and Magill & Lawrence. (472-83078/131734/n/a) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 11/24/1998. (Districts II and IV) - \$108,300.00

b. 1999 enhanced maintenance asphalt crack sealing (706648-I) and joint repair (polypatch) (706648-N) - at various locations. (n/a/706648-I&N/405218) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 10/13/1999. (Districts I, II, III, and V) - \$250,000.00

c. Main 26, War Industries Sewer - Phase One - north of 21st, west of Greenwich Road. (468-82990/624501/699001) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 9/28/1999. (District II) - \$465,183.20

d. Lateral 1, Main 26, War Industries Sewer - west of Greenwich Road, at 29th Street North. (468-

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g. 29th Street North from the west line of Greenwich Road to 855 feet west of the west line of Greenwich Road to serve Regency Park / Soccer Fields / Baseball Fields - 29th Street North, west of Greenwich. (472-83069/765588/490699) Does not affect existing traffic. City Council approval date: 5/11/1999. (District II) - \$201,600.00

h. Northeast Soccer Complex parking lot to serve Regency Park / Soccer Fields / Baseball Fields - 29th Street North, west of Greenwich. (472-83139/785000/339131) Does not affect existing traffic. City Council approval date: 5/11/1999. (District II) - \$378,000.00

i. 1999-2000 CDBG public facilities and improvements (Phase C) pedestrian bridge replacement in Planeview - east of Ross Parkway, north of Rutan. (/602302-C/800901) Does not affect existing traffic. City Council approval date: 3/16/1999. (District III) - \$22,255.00

Motion -- carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE MEDITERRANEAN PLAZA ADDITION – SOUTH OF 32ND STREET NORTH, EAST OF ROCK.** (District II)

Agenda Report No. 99-1187.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer service to a retail development.

The estimated project cost is \$11,000. The funding source is special assessments.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

### RESOLUTION NO. R-99-453

Resolution of findings of advisability and Resolution authorizing construction of Lateral 78, Main 22, War Industries Sewer (south of 32nd Street North, east of Rock) 468-83050, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## SANITARY SEWER

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE LIEBERMAN ADDITION – SOUTH OF 26TH STREET SOUTH, EAST OF SENECA.** (District IV)

Agenda Report No. 99-1188.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer service to a retail development.

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## MINUTES OF ADVISORY BOARDS/COMMISSIONS:

CPO East Council 2, 11-18-99

CPO Southeast Council 3, 11-28-99

CPO Northwest Council 5, 11-10-99

Metropolitan Area Planning Commission (MAPC), 9-16-99

Wichita-Sedgwick County Alcohol and Drug Advisory Board (ADABB), 9-23-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

## **STREET CLOSURES**

### CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures/uses considered.

## **EATON PROJECT**

### PERMIT BUILDING ENCROACHMENTS – EATON PROJECT. (District VI)

Agenda Report No. 99-1189.

The developer of the Eaton Project has discovered, after a survey of the Eaton Block, that there are several minor encroachments of the existing buildings into adjacent right-of-way. All of these encroachments are minor. Most extend only inches into the adjacent right-of-way (sidewalk).

In order for the developer to obtain title insurance and financing for the redevelopment project, these encroachments must be addressed. The Agreement recognizes the several encroachments and permits the developer to retain the buildings without the need to modify them to remove the encroachments. For so long as the buildings remain standing, the City agrees that it will take no action to require removal of the encroachments. None of these encroachments have any adverse affect on the public's ability to use the adjacent sidewalks and streets.

Motion --  
--carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **FARM AND ART MKT.**

### FARM AND ART MARKET IMPROVEMENTS AND RENOVATIONS. (District I)

Agenda Report No. 99-1190.

On September 14, 1999, the City Council authorized the Staff Screening and Selection Committee to select a consultant to design improvements and renovations to the Farm and Art Market. Four firms responded to the RFP: Intuitive Design Group, Key Construction Inc., Law/Kingdon Inc., and Randal Steiner Architect. On October 23, 1999, the Staff Screening and Selection Committee interviewed three firms. Law/Kingdon, Inc. was selected due to the firm's innovative concept which seeks to implement the Request For Proposal's requested improvements and renovations while developing the Farm and Art Market into a "destination" drawing shoppers and visitors, while enhancing the appearance and viability of Old Town.

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USGS

## **UNITED STATES GEOLOGICAL SURVEY (USGS) SURFACE WATER JOINT FUNDING – OCTOBER 1, 1999 THROUGH SEPTEMBER 30, 2000.**

Agenda Report No. 99-1191.

In 1957, as a condition of Federal assistance in construction of the Wichita-Valley Center Flood Control Project, the City of Wichita entered into a cooperative Agreement with the United States Geological Survey (U.S.G.S.) to install and maintain stream recorders along the project. Rainfall recorders were added later for the City's own use.

In 1965, the Water Department added stream gauging stations at Cheney Reservoir.

The Department of Public Works uses recorders to monitor rainfall through the drainage basins affecting the project to determine volumes of incoming water. This collected data is transmitted to the weather bureau, which transmits the data to the River Forecast Center in Tulsa, Oklahoma. The data is statistically analyzed and published by U.S.G.S.

The Water Department monitors the flow of water into and out of Cheney Reservoir and relays the elevation of the lake to the Corps of Engineers.

This Agreement requires the City to pay \$28,145 of the \$46,400 total program cost, with U.S.G.S. responsible for the balance of \$18,255. Budget for the City's cost is split between the Water Utility (\$13,670) and City-County Flood Control (\$14,475). In addition, the City provides office space for the United States Geological Survey, WRD, Kansas District for which it charges annual rent of \$14,000. This amount is paid by Flood Control to the City's Property Management Operations Fund to offset a portion of the \$14,475 program costs. The balance of \$475 is paid directly to U.S.G.S.

Maintenance of stream and rainfall data is necessary to protect Federal assistance in the event of emergencies.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LEASE AGREEMENT

## **AMENDMENT TO LEASE BETWEEN CITY OF WICHITA AND SEDGWICK COUNTY FOR PAWNEE PRAIRIE NATURE CENTER (PPNC).** (District V)

Agenda Report No. 99-1192.

In January, 1996, Sedgwick County entered into a lease agreement with the City to lease approximately 971 square feet at the Pawnee Prairie Nature Center to house their Environmental Resources Office. Since that time, the County has provided nature and environmental education programming at the center at no staff cost to the City. In addition, the County has made minor improvements to the building such as carpet installation. They have also paid a pro-rata share of the utilities. The County is proposing that they lease the remainder of the building for their Environmental Resources Office.

The Environmental Resources office has indicated that beginning in January 2000, an additional five people will be added to the staff at the center. They have requested that the City lease the remaining 1,300 square feet to them for office space and a meeting room. At their August 9, 1999, meeting the Board of Park Commissioners voted to

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## LEGAL SERVICES

### AMENDMENT TO AGREEMENT WITH CASE, MOSES, ZIMMERMAN AND WILSON FOR LEGAL SERVICES.

Agenda Report No. 99-1193.

The City has retained Case, Moses, Zimmerman & Wilson, P.A. to provide legal services in connection with claims and litigation involving automobile accidents, and related assignments.

The original contract in November, 1996 provided for compensation not to exceed \$25,500.00. The contract was amended in January 1998 for an additional sum. It has become necessary to spend additional sums to continue the representation of the City in this matter and to extend the term of the contract through December 31, 2000. This will be the second amendment to the original contract.

The additional sum covered by the Amendment is \$25,500.00 as necessary to continue to represent the City in matters involving automobile accidents, for a fourth year. The charges are reasonable in amount for the legal services involved. Payment will be from the Risk Management Fund.

An Amendment to the original contract, raising the expenditure limit and extending the time for the services to be provided is the appropriate means to approve the additional payment.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## BRIDGES

### STRUCTURAL INVENTORY AND APPRAISAL OF 210 BRIDGES.

Agenda Report No. 99-1194.

Every two years, the Federal Highway Administration and the Kansas Department of Transportation (KDOT) require the Structural Inventory and Appraisal of all bridges and box culverts maintained by the City of Wichita. The City's previous inspection report was submitted in 1997. The inspections are required to maintain eligibility for Federal funding for bridge repair and replacement projects, to aid in developing and performing maintenance programs and to prioritize projects for maintenance and Capital Improvement funding.

On April 29, 1999, the Staff Screening and Selection Committee selected Professional Engineering Consultants (PEC) to provide the inspection report for 1999. KDOT approved of the selection and prepared a 3-party Agreement between KDOT, the City and PEC.

Payment to PEC will be on a cost plus basis not to exceed \$44,828 and will be paid from budgeted Gas Tax Funds. KDOT will reimburse the City for 80% of the cost.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## VICTIMS' RIGHTS

### EXTENSION AND MODIFICATION OF CONTRACT - VICTIMS' RIGHTS SERVICES.

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Funds in the amount of \$42,966 have been approved in the Department of Law budget for purposes of paying for the services to be provided under the contract.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **DOMESTIC VIOLENCE    EXTENSION OF CONTRACT - DOMESTIC VIOLENCE SERVICES.**

Agenda Report No. 99-1196.

Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocate Program. In 1995, the Wichita/Sedgwick County Domestic Violence Coalition reviewed the present program and made a number of recommendations concerning changes. One of the recommendations was that the Advocacy Program should be financially supported by sources other than the City of Wichita; however, the Coalition believed the City should continue to provide some level of support. As a result of this recommendation, private agencies have provided more of the services under the Advocacy Program and the City of Wichita has contracted with an agency to assist in this effort. Kansas Legal Services, Inc., has been providing these services during 1999, and the existing contract expires on December 31, 1999.

Kansas Legal Services, Inc., has agreed to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist in the coordination of advocacy services to domestic violence victims. The cost to the City will be \$26,380 for salary and benefits for the contractor's employee and \$620 for office supplies, for a total contract amount of \$27,000. There is no increase in the amount charged for these services over the 1999 term of the contract.

Funds in the amount of \$27,000 have been approved in the Department of Law budget for purposes of paying for the services to be provided during the extended term of the contract.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

## **RAILROAD SIGNALS    AGREEMENT FOR INSTALLATION OF RAILROAD SIGNALS. (Districts I and III)**

Agenda Report No. 99-1197.

Representatives of the City, State, and Railroad Company reviewed the Burlington Northern and Santa Fe Railway crossing of Harry Street, west of Southeast Boulevard, to determine the possible need for signalization improvements. As a result of this review, revisions to the crossing signalization system were recommended and the process was begun to accomplish these revisions.

The Agreement will authorize the recommended signal revisions. The City's responsibility in this project will be limited to the maintenance of the advance warning signs that presently exist.

The total cost of this project, estimated to be \$207,700, will be funded 100% under Section 130, Federal Funds. There is no cost to the City.

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Changes in interest payments on the Bonds and certain definitions contained in the Lease require revision and Council approval of the Ordinance, First Supplemental Lease, and First Supplemental Trust Indenture.

Motion --  
-- carried

Knight moved that the documents be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

## ORDINANCE

An Ordinance prescribing the form and authorizing execution of a first supplemental trust indenture by and between the City and UMB Bank, N.A., Kansas City, Missouri, as trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VIII, 1999 (MTG, L.L.C.) and prescribing the form and authorizing the execution of a first supplemental lease by and between MTG, L.L.C. and the City, introduced and under the rules laid over.

ADDENDUM ITEM 16J  
LABOR UNION

### TRANSIT AUTHORITY LABOR UNION CONTRACT.

This Item was pulled from the Agenda.

### STREET MAINTENANCE CHANGE ORDER – 1999 CONTRACT STREET MAINTENANCE PROGRAM. (District I)

Agenda Report No. 99-1199.

On October 13, 1998, the City Council approved the 1999 Street Maintenance Program. A part of the work is a concrete street repair project at various locations around Wichita. It has been determined that the project should be expanded to include wheelchair ramps at Century II/Expo Hall and to provide two-way traffic on Century II Drive south of Douglas.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$21,602. The funding source is General Fund Reserves.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STORM SEWER

### TENTH STREET STORM SEWER OUTLET. (District I)

Agenda Report No. 99-1200.

The storm sewer outlet into the Wichita Drainage Canal at 10th Street is undersized resulting in a backup of water in the area during heavy rains. Recognizing this, on August 27, 1991, the City entered into a Contract for \$ 38,070.47 with Mid-Kansas Engineering Consultants (MKEC) to design a new outfall pipe. A Supplemental Agreement was approved on November 14, 1995 for \$7,730 to establish flowline grade and horizontal location for a future sanitary sewer extension.

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Motion --  
-- carried

Knight moved that the budget and Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ADDENDUM Item 19A  
**KDOT**

## **OFFICIAL PROJECT REQUESTS FOR SYSTEM ENHANCEMENTS.**

Agenda Report No. 99-1210.

The Comprehensive Transportation Program enacted by the 1999 Legislation includes a System Enhancement Program. The purpose of the program is to allow cities and counties to request projects that improve safety, relieve congestion, improve access, or enhancement development.

An Official Project Request must be submitted to the Kansas Department of Transportation (KDOT) for any project to be considered for System Enhancement funding. Concurrently with this Request, a Project Estimate/Local Match Fund form must be completed. System Enhancement criteria requires the Project Sponsor to pay for all design and right-of-way expenses associated with interchange projects. The Official Project Request, and supporting documentation, is due on December 8, 1999. KDOT will use these requests to select projects for System Enhancement funding. Project selection will be announced in early Summer, 2000.

Official Project Requests have been prepared for the following projects that are sponsored solely by the City of Wichita:

- ? Kellogg/Woodlawn Interchange
- ? Kellogg/Rock Interchange
- ? Kellogg/Webb Interchange
- ? Kellogg and Greenwich Road Interchange
- ? I-235/25th Street North Interchange
- ? 47th Street, Broadway to I-135 Corridor Study

Official Project Requests have been prepared for the following projects that are sponsored jointly by the City of Wichita and Sedgwick County:

- ? Kellogg/Tyler and Maize Interchange (lead agency Wichita)
- ? I-135/I-235/K-254 Interchange (lead agency Wichita)
- ? I-235/Kellogg Interchange (lead agency Wichita)
- ? I-235/Central Interchange (lead agency Wichita)
- ? I-235/13th Street (lead agency Sedgwick County)
- ? Northwest Bypass Corridor Preservation (lead agency Sedgwick County)

The City's match, on projects selected by KDOT, will be funded by Local Sales Tax.

Motion --  
-- carried

Knight moved that the project requests and the project estimate/local match fund forms be approved and the necessary signatures be authorized. Motion carried 7 to 0.

**BUDGET ADJUSTMENT HEALTH DEPARTMENT TRUST FUND - BUDGET ADJUSTMENT.**



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Funding of \$19,000 and \$2,500, respectively, is being transferred from the Commodity Accounts to Capital Outlay for the furnishings in Personal Health Division and from Capital Outlay to Commodities in Administration for the twenty-four port hub and the two printers.

The funds proposed for transfer in Personal Health are available, and were budgeted specifically for the purpose of purchasing four exam tables. The funds proposed for transfer in Administration are available and were budgeted specifically for the purpose of purchasing a communications hub. Due to savings realized, funds are available for the purchase of two printers. These transfers will not impact any other programs, but likely will result in greater efficiency due to lower equipment maintenance costs.

Budget adjustments in excess of \$ 10,000 require Council approval.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

## **BUDGET ADJUSTMENT POLICE DEPARTMENT – BUDGET ADJUSTMENT.**

Agenda Report No. 99-1202.

The Police Department has experienced higher than budgeted costs in two areas: pre-employment costs and contracted helicopter repairs. The pre-employment process for Police recruits is lengthy and comprehensive, including physical and psychological examinations, credit checks and other background investigations. In 1999, turnover has been somewhat higher than expected, leading to increased pre-employment costs. The Air Section's Helicopter Mechanic position has been vacant during 1999. Recruitment for this specialized position has been lengthy. Until the position can be filled, contracted maintenance has been utilized.

The Police Department's adopted budget is based on an assumed level of turnover. Staff turnover in excess of the budgeted amount creates additional contractual expenses, but also creates personal services savings. The Helicopter Mechanic position is included in the 1999 budget. Since the position has remained vacant, salary savings have been generated; however, contractual costs have been incurred to provide continued maintenance for the Air Section.

Motion -- carried

Knight moved that the budget be approved. Motion carried 7 to 0.

## **BUDGET ADJUSTMENT PLANNING DEPARTMENT – BUDGET ADJUSTMENT.**

Agenda Report No. 99-1203.

The Planning Department has experienced higher than normal expenditures in several areas during 1999. These expenditures are associated with greater than normal unilateral annexation activity, a tight labor market resulting in higher than normal recruiting expenses, increased scrutiny for cellular tower zoning change applications, and unexpected delays in implementing a computerized zoning map. Due to higher than normal employee turnover, salary savings are available to cover these unforeseen expenditures.

The following is a description of the higher than normal expenditures: postage, \$7,500; travel, \$4,500; engineering

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## ORDINANCES

### SECOND READING ORDINANCES: (First read November 16, 1999)

- a. Industrial revenue bonds - The Boeing Company. (District III)

#### ORDINANCE NO. 44-428

An Ordinance approving and authorizing the execution of a lease agreement between the Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an indenture of trust between said City and Bny Trust Company of Missouri; pledging certain payments under said lease agreement and moneys and securities held by the trustee under the terms of said indenture of trust; authorizing and directing the issuance of industrial revenue bonds Series XIII, 1999 (the Boeing Company Project) of said City in the principal amount of \$155,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of the Boeing Commercial, Airplane Group, Wichita Division, a division of the Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds, authorizing the sale of said bonds and the execution of a bond purchase agreement therefor; approving and authorizing the execution of an administrative service fee agreement; and authorizing the execution and delivery of certain related instruments, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 21b)

- b. Public Nudity.

Motion -- carried

Knight moved that this Item be deferred two weeks to December 7, 1999. Motion carried 7 to 0.

- c. Kellogg/Tyler and Maize. (District V)

#### ORDINANCE NO. 44-429

An Ordinance declaring Kellogg (U.S. 54), from one-half mile west of Maize Road to Mid-Continent Road to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements on said main trafficway; setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, repealing Ordinance No. 43-310 of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Item No. 21d)

- d. A 99-30 - North and South of 37th Street North, between Broadway and Hillside. (Districts I and VI)

Motion -- carried

Knight moved that this Item be deferred two weeks to December 7, 1999. Motion carried 7 to 0.

- e. A 99-34 - east of Hydraulic and north and south of 59th Street South. (District III)

#### ORDINANCE NO. 44-430

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the

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## PLANNING AGENDA

Marvin Krout

Director of Planning stated that Items 22, 23 and 25 could be considered as consensus Items unless the Council desired to withhold other items.

Motion --  
-- carried

Knight moved that Planning Agenda Items 22, 23 and 25 be approved as consensus Items.  
Motion carried 7 to 0.

**S/D 99-33**

### **S/D 99-33 - PLAT OF BFI ADDITION LOCATED ON THE NORTHWEST CORNER OF WEST STREET AND 37TH STREET NORTH.** (District VI)

Agenda Report No. 99-1204.

Staff Recommendation: Approve the plat.  
MAPC Recommendation: Approve the plat. (11-0)

This site is located in the County within three miles of the City's boundary. A zone change (SCZ-0786) from SF-20, Single-Family Residential to LI, Limited Industrial was approved for this plat subject to platting. The site has been approved by the Health Department for the use of on-site sanitary sewer and water facilities.

Petitions, 100%, have been submitted for future sanitary sewer and City water improvements. Petitions for traffic improvements will be handled through the County. A City and County Certificate of Petitions have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. R-99-455

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89440 (west of West Street, north of 37<sup>th</sup> Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

## RESOLUTION NO. R-99-456

Resolution of findings of advisability and Resolution authorizing construction of Lateral 439, Southwest Interceptor Sewer (west of West Street, north of 37<sup>th</sup> Street North), Project Number 468-83026, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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A petition, 100%, has been submitted for a traffic signal. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. A CUP Certificate was provided identifying the approved Community Unit Plan.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The restrictive covenant and CUP Certificate will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the documents and plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. R-99-457

Resolution of findings of advisability and Resolution authorizing installation of a fully actuated traffic signal and pavement markings as necessary, to serve the intersection of Ridge Road and 37<sup>th</sup> Street North, east of Ridge, south of 37<sup>th</sup> Street North) Project No. 472-83172, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

**Z-3337**  
(Item No. 24)

**Z-2237 - REQUEST FOR ZONE CHANGE FROM “B” MULTI-FAMILY RESIDENTIAL TO “U” UNIVERSITY, LOCATED SOUTH OF MAPLE AND EAST OF MERIDIAN.** (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1206.

MAPC Recommendation: Approve (11-0-1).  
Staff Recommendation: Approve.  
CPO Recommendation: Approve (6-0).

The applicant is requesting to rezone all property owned by Friends University from “B” Multi-family and “MF-29” Multi-family to the “U” University district. The university owns 58 acres located south of Maple and east of Meridian. The majority of Friends University property is currently developed with a variety of uses typically found on university campuses – classrooms, living quarters, auditoriums, sports facilities and parking lots. Among the buildings located on the campus is Davis Hall. Davis Hall is listed on the National, State and Local Registers of Historic Places.

Some of the university’s land is vacant or is developed with single-family homes. These properties were purchased with the idea of providing expansion opportunities for the university. The university’s pattern of ownership is contiguous, except for three tracts located west of Hiram, between Maple and Kellogg. East of Hiram, the university’s ownership is less contiguous. However, the university owns the majority of the land on the two blocks located between Mentor, Glenn, Kellogg and Hiram.

The university needs additional residential housing. To address that housing need, they intend to re-develop some of the lots they own located southwest of the intersection of Mentor and Glenn. A concept plan has been developed

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including the teaching of repair maintenance or driving of heavy equipment or trucks; the teaching of body or fender work; metal forming or such other trade that involves basically physical or manual skills; flying instruction; weapon instruction; fire fighting instruction and other similar uses. The "U" district has a maximum floor area ratio of .50 with 20 foot setbacks on all sides, and does not have a height limit.

The "U" district more closely identifies with the uses found on the university's property than the "B" and "MF-29" districts, and would allow the university more flexibility to meet its facility needs. Therefore, the applicant is requesting to rezone their entire ownership to the "U", University district.

Adjacent to Friends University property are single-family homes, which are located to the north, east and west on property zoned "TF-3" and "MF-29." University Friends Church is located on the northeast corner of Glenn and Mentor, and has a parking lot located just south of the area for re-development. A couple of commercial uses are also intermixed with these single-family homes on land zoned "LC." South of the application area is US-54.

At this point in the development of the campus, there are three fairly distinct use areas established. East of Hiram, all university owned properties are residential in character. There are not any teaching, auditorium or athletic field uses east of Hiram. These non-residential uses are located west of Hiram, with the majority of the classroom-related facilities located between Hiram and St. Claire, except for the football field located just east of St. Claire. The basketball arena is located west of St. Claire. There are two major parking areas located north and west of the main campus. The campus has a progression of intensity of uses with the least intense located on the east side, closest to the University Neighborhood, and becoming more intense the farther west one goes. Representatives of the university were not able to provide staff with a "master plan" for the university as requested. However, they have indicated to staff that the university intends to continue this pattern of development, and given the pattern of ownership, Glenn is the logical eastern boundary.

Since Davis Hall is listed on the three historic registers, this rezoning application will need to be reviewed by the Historic Preservation Board as an "environs" issue, prior to City Council consideration. Any future demolition and rebuilding projects within 500 feet of that property would need to be reviewed as well, whatever the zoning.

The MAPC heard this case on October 28, 1999 and recommended approval. There were neighbors who protested the application on the basis they felt the "U", University district would allow a broader range of uses than the University's current zoning, and that their property values would decrease as a result of the proposed change. Others were concerned that parking problems would worsen with the rezoning.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z-3337

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street right-of-way. The contract purchasers have acquired the residual property rights in the land and intend to construct offices for their medical practices.

The surrounding land uses include a mix of residential and office uses along Hillside. The block directly across from the site includes three offices and nine residences. The property along Hillside in the block immediately south of the application area is interspersed with five office uses, one commercial use, and 15 residences. The remaining block on Hillside south to Lincoln includes all commercial uses except two four-plexes, and one residence. The prevailing sign heights along Hillside are low, generally below six feet in height, with two exceptions. Most are monument-style signs.

The area east of the site is all residential housing, mostly single-family. Calvary Cemetery is two blocks to the northeast. The land north of the site is vacant and also is surplus right-of-way.

The application area has been vacant since it was acquired and cleared as part of the Kellogg construction in the mid-1970s. Prior to that time the property was occupied by residences, similar in character to the houses in the surrounding area.

At the CPO(2) meeting held October 26, 1999, CPO voted (5-0) to recommend approval subject to staff comments. Members discussed the possible need for cross-lot circulation for the half-block north of the subject tract. The applicant (contract purchaser) was present and discussed his plans for a medical office. Three residents spoke, expressing concerns for traffic, screening and drainage.

At the MAPC meeting held October 28, 1999, MAPC voted (12-0) to approve subject to staff comments. There were no members of the public to speak.

Motion --

-- carried

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council,. Motion carried 7 to 0.

**Z 3339**  
(Item No. 26)

**Z 3339 - ZONE CHANGE REQUEST FROM "SF-6" SINGLE-FAMILY RESIDENTIAL TO "MH" MANUFACTURED HOME, LOCATED WEST OF MERIDIAN AND NORTH OF 55TH STREET SOUTH.** (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1208.

MAPC Recommendation: Deny (13-0).  
Staff Recommendation: Deny.  
CPO Recommendation: Deny.

The applicant requests MH, Manufactured Home zoning on 37 acres located ¼ mile west of Meridian and ¼ mile north of 55th Street South in order to develop a manufactured home park. The land is currently undeveloped and zoned SF-6, Single-family Residential.

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the sidewalk is not ADA compliant, then there are three additional lots on the east-side of the park that are not within 1,320 feet as measured off of an ADA compliant pathway. Off-street parking spaces are provided as required for 29-foot wide streets. A sizeable drainage ditch exists along the north and east property line. The southwest corner of the property is a low area that is heavily treed.

Surrounding land is developed / developing with: site built homes (SF-6, Single-family Residential); vacant (SF-20, Single-family Residential); manufactured home park (MH, Manufactured); and large-lot residential (SF-20, Single-family Residential) uses. A significant drainage ditch, 15 to 20 feet deep and 40 to 50 feet wide, exists along the north and east property line. The ditch is heavily wooded.

The MAPC considered this case on October 28th, 1999, and recommended denial based on findings presented in the staff report. The applicant indicated they made the request for Manufactured Home zoning for two reasons related to potential limitations on sewer service. The applicant indicated that the existing sewer lift station provides service to 47th Street is at capacity, and would require improvements. They also indicated that the sewer line in Meridian may not be deep enough to provide service to their site without installation of another lift station. Therefore, they thought zoning for manufactured homes, which would not have basements, would be an appropriate request. There were adjoining property owners who spoke about drainage concerns.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the Item be referred back to the MAPC for clarification on utilities; and Staff look at drainage issues for the whole area. Motion carried 7 to 0.

-- carried

**Z 3341 & DP-249**  
(Item No. 27)

**Z 3341 - ZONE CHANGE REQUEST FROM “SF-6” SINGLE-FAMILY RESIDENTIAL AND “LC” LIMITED COMMERCIAL TO “GC” GENERAL COMMERCIAL; AND DP 249 - APPROVAL OF THE EWALD’S SOUTH TOWN CENTER C.U.P., LOCATED SOUTH OF 47TH STREET SOUTH BETWEEN THE KANSAS TURNPIKE (I-35) EAST OF THE RIVERSIDE DRAINAGE DITCH (900 FEET EAST OF BROADWAY).** (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1209.

MAPC Recommendation: Approve, subject to platting within 1 year and to conditions (10-1).  
Staff Recommendation: Approve, subject to platting within 1 year and to conditions.  
CPO Recommendation: Approve, subject to MAPD staff comments (7-0).

The applicant is requesting the creation of Community Unit Plan DP-249 (CUP 249) for 52 acres of land currently zoned “SF-6”, Single-family Residential and “LC”, Limited Commercial located south of 47th Street South and 900 feet east of Broadway. A companion zone change request (Z-3341) for “GC”, General Commercial is also being requested.

The proposed CUP depicts six parcels plus two reserves, and would permit 550,110 square feet of maximum building coverage (30% of net parcel area). All parcels are proposed to have the same permitted uses – only the uses listed under the “commercial uses” section of the “GC”, General Commercial district. The applicant’s agent indicated they did not want uses listed in the “residential”, “public and civic”, industrial” or “agricultural” use

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A 25-foot setback along the eastern edge of the drainage canal is the only building setback shown.

Two access points are proposed. Access from the north would be via 47th Street South at Emporia (extended). Emporia extended is currently a private road that provides access to a commercial strip center located south of 47th Street and west of the drainage canal. The applicant proposes to use Emporia extended as the northern access point and loop a new road east across the drainage canal, then swing south along I-35 right-of-way then swing west back across the canal to connect up with Custy, which provides access to the west, to Broadway. Currently, Emporia extended is a private street not under the applicant's ownership. Cross-lot access circulation agreements will be provided with the plat. With the total square footage proposed for this development, this site at full build-out will potentially generate an estimated 27,755 vehicles per day. Even with road improvements proposed by staff and accepted by the applicant, this level of additional traffic will further deteriorate service levels, and ultimately, the 47th Street/I-135 interchange needs to be reconstructed.

Adjacent land uses include retail commercial uses to the north, the interstate highway on the east, single-family residential to the south. Most of the property to the west is residential, but there are some commercial uses and a communication tower.

Staff recommended approval subject to conditions chiefly designed to insure that adequate traffic improvements would be guaranteed, and a reasonable time be afforded to complete a study of 47th Street/ I-135 interchange right-of-way needs. CPO recommended approval but discussed the following items: pedestrian safety, support for MAPD staff comments, potential for this project to generate traffic congestion, and the configuration of the proposed access routes.

The MAPC heard this case on October 28, 1999. There were adjoining property owners who spoke in support of the application, but wanted to have noted their concern regarding any interruption of access to their businesses caused by street improvements that might be triggered by this application. There was one owner who also wanted it known that he expected a fair price for any of his land that might be needed for access for this project. The MAPC followed staff's recommendations, except for reducing the timeframe for staff's recommendation to restrict development on Parcel 1 (staff recommended no development until a KDOT/KTA study is completed or until December 31, 2001, whichever is sooner. The MAPC approved a restriction on development of Parcel 1 for only six months).

Council Member Cole

Council Member Cole said there is need for a study in this area.

Motion --

Gale moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the recommended conditions and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council,. Motion carried 6 to 1. (Cole – no)

-- carried

RECESS

The City Council recessed to an En Banc Workshop Session with Sedgwick County at 11:15 a.m. and reconvened in regular session at 1:11 p.m. (Council Members Gale, Martz, Pisciotte; absent)

**EXECUTIVE SESSION**

Motion --

Knight moved that the City Council recess to executive session to consider consultation with legal counsel on